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## PURPOSE

To ensure public and youth safety when youth are eligible for activities in the community during placement at a state operated or private, contracted juvenile justice residential treatment facility.

## DEFINITIONS

### ***Secure Facility***

An institution, or portion thereof, other than a seclusion room, used to house youth that is secured against egress from the building. Mich Admin Code, R 400.4101(dd).

### ***Off-Site***

Any activity that is not on facility grounds.

See [JRG, JJ Residential Glossary](#).

## RESPONSIBLE STAFF

The facility director or designee and any designated staff planning and supervising off-site activities.

## OFF-SITE ACTIVITY PROCEDURE

Each state operated and private, contracted juvenile justice residential treatment facility must have standard operating procedures relative to off-site activities. At a minimum, facility procedures must contain the following requirements outlined in this policy.

### **Activity Types**

Off-site activities include, but are not limited to:

- Community service.
- Medical.
- Legal appointments.
- Family time; see [JRM 210, Youth Communication & Family Time](#).
- Recreational.
- Treatment activities in the community.

**LEAVE CRITERIA**

- Religious/spiritual activities.
- Education or Employment

Eligibility for off-site activities should be based on:

- Most recent court order.
- The expected therapeutic or educational benefit.
- Youth's most recent Michigan Juvenile Justice Assessment System (MJJAS) assessment score.
- Youth's threat to public safety and other participating youth.
- Youth's active participation in treatment and progress toward established goals.
- Youth's written safety/relapse prevention plan.
- The youth's recent behavior.
- Approval from the youth's juvenile justice specialist.
- Reasonable and Prudent Parent Standards.

Eligibility for off-site activities may also include other factors considered by the treatment team in recommending an off-site activity. Other factors may include an assessment of the need for check-ins with the youth during the off-site activity. This may include specific contact (via telephone) requirement, check-in dates, times and requirements.

When transporting youth, designated facility staff are required to ensure youth being transported occupy a manufacturer's designated seat and are properly restrained with safety belts. Mich Admin Code, R 400.4140(3) & R 400.4141. See [JRM 520, Youth Transport](#) for more information.

***Secure Facilities Only***

Youth in a secure facility may not leave except for family time, medical treatment, court appearances or other good cause approved in writing by the court.

## Ineligible Youth

Unless a court order authorizes or restricts an off-site activity, the following ineligibility factors restrict youth from participation:

- A court has denied the request.
- The youth presents a credible escape risk.
- A documented medical condition prohibits participation.
- If a victim is at the same educational institution or place of employment so the youth is ineligible to participate in educational or employment opportunities at that location under this policy. See [JRM 502, Victim Notification](#) for more information.

## PLANNING AND APPROVAL

The facility director or designee, youth's juvenile justice specialist and treatment team must approve any off-site activities that are not part of regular daily programming. Pre-approval may be given for re-occurring appointments or activities of the same type (for example, increased family time prior to release, weekly balanced and restorative justice activities). Facilities must provide as much information as possible in the initial request and follow up with additional information as it becomes available.

The facility director and managers must coordinate off-site activities with treatment team staff. If the youth takes medication, designated staff must plan methods for dispensing the medication while the youth is off-site. Mich Admin Code, R 400.4142(g).

If the youth is away from the facility for one or more overnights, the facility must keep a travel plan on file at the facility. The travel plan must include an itinerary and pre-established check-in times. Mich Admin Code, R 400.4136(6).

The facility director must approve all off-site activities in advance by signing the DHS-221, Request Form for Off Grounds Group Activity.

Plans for transportation and any meals must be documented on the DHS-520, Youth Transport Form in MiSACWIS and in accordance with policy [JRM 520, Youth Transport](#).

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## Supervision and Safety of Youth

Staff must familiarize themselves with the off-site activity setting, potential safety and escape risks, and actions to mitigate risk.

While off-site, staff must maintain line of sight supervision of youth and appropriate youth to staff ratios. See [JRM 540, Youth to Staff Ratio](#) for more information. Designated staff must carry at least one cell phone.

During bathroom breaks, staff must maintain line of sight supervision and maintain close proximity.

Staff must ensure that a first aid kit is available and appropriate safety equipment is worn correctly as part of off-site activity participation. See [JRM 541, First Aid Kits](#), for more information. Waterborne activities (for example, rafting, canoeing, kayaking or boating) require personal flotation devices for all participants including staff.

In the event of youth escape, staff must follow escape response procedures. See [JRM 501, Escape Response](#) for more information. Staff must ensure that remaining youth stay under supervision and instruct the remaining youth to not pursue the escaping youth.

The facility must ensure that any victim's rights notification requirements are fulfilled for off-site activities. See [JRM 502, Victim Notification](#) for more information.

## Education and Employment Requirements

The following provisions apply only to youth engaged in opportunities that can be utilized exclusively off-site and after a thorough review of risk and safety considerations. Work experiences for youth are to be appropriate to the youth's age, health and youth's ability to perform the work. Mich Admin Code, R 400.4135. Benefits must be considered necessary and appropriate for meeting the permanency goal and successful return of the youth to the community.

Staffing, planning, approval, and supervision requirements in this policy remain fully in effect unless all of the following requirements are met:

- The youth may engage in trips or other activities only with advanced written authorization or court order. The youth may not use the opportunity to engage in recreational activities or entertainment, go shopping, run errands, or other activities that are not part of the educational or employment opportunity.
- With the approval of the facility director, youth's treatment team and youth's juvenile justice specialist, the youth may be allowed to have a cellular phone at facility discretion while off-site. If provided, the phone is surrendered on return to the facility, unless allowed under standard facility procedures.
- The youth may not leave the educational institution campus or the work site except for lunch (if not on-site) or to return to the facility.
- The youth may not operate a motor vehicle or ride in a vehicle with persons other than facility staff.
- Facility staff must review the escape policies and procedures with the youth 15 calendar days prior to starting the activity. This review must be documented in writing and filed in the youth's case record.
- Facility staff must review the employment or educational opportunity with the youth and ensure the youth understands possible consequences if the youth misbehaves or reoffends. Depending on the youth's age, criminal offenses may be prosecuted in the adult criminal justice system.
- If the activity is not part of the facility's normal operating procedures, then the facility director or designee, the youth's treatment team and the youth's juvenile justice specialist must be fully knowledgeable and approve of the activity in writing.
- The youth's parent(s)/legal guardian(s) must be aware of the activity and understand restrictions in effect.
- **Secure** facilities must have approval from the court and document that they are knowledgeable of the activity in a court order held by the facility. The order must be filed in the youth's case file.
- If the youth is a registered sex offender, the facility must advise the relevant educational or training institution in advance, consistent with law.

- The facility director or designee must coordinate with the youth and employer to ensure compliance with all labor laws and employment regulations, including the administration of wages.
- The facility director or designee must provide the youth with appropriate medication and the youth must have a demonstrated record of compliance with taking medications. Medications must not interfere with job duties.
- The facility director or designee must ensure that prospective employers are able to provide emergency first aid and coordinate with the facility for medical care should the youth become ill or injured.
- Youth may be provided with limited amounts of cash to purchase appropriate food at the work site or educational institution, but expenditures must be accounted for with receipts and documented staff approval.
- The facility director or designee must monitor the youth's work or educational performance. Failure of the youth to provide access to educational records renders the youth ineligible to participate.
- When necessary, staff may search the youth on each return to the facility. See [JRM 511, Body Searches of Youth](#), for specific criteria.

If the youth's most recent behavior causes facility staff to question the youth's ability to **safely** participate in the activity, then the activity must be postponed or cancelled.

If the activity is court ordered, designated facility staff must inform the youth's juvenile justice specialist and/or youth's court of jurisdiction of the youth's most recent behaviors and recommend that the youth not participate in the court ordered activity until the youth's behaviors have changed or stabilized.

### Delegating Youth Supervision

**Secure facilities**, based on the requirements discussed above and with approval from the facility director, may modify facility supervision requirements. Key emphasis must be placed on the risk posed by the youth. Delegation of supervision must not occur

unless the risk to the youth and the community is evaluated to be acceptable.

Youth supervision, normally under staff control, may be delegated to an employer acting as a program-delegated individual. Prior to this delegation, the facility staff must, at a minimum, meet with the employer and gain understanding of the youth's activities on the job.

Youth supervision may also be delegated to an educational institution based on approved enrollment at the institution and the approval of the facility director. Prior to this delegation, facility staff must attend any orientation with the youth, meet the youth's teachers (if feasible), and attend the first class(es) (if feasible).

The employer and educational institution must be provided with emergency facility contact information and response actions should the youth become ill/injured, misbehave, escape, or otherwise be non-compliant.

## **WRITTEN AGREEMENT AND REQUIRED NOTICES**

Off-site activities, such as family time, require a written agreement that includes but is not limited to:

- Terms, goals and objectives of the off-site activity.
- Method for obtaining feedback from the community regarding youth's behavior during the off-site activity.
- Check-in time(s) and date(s).

At least two weeks prior to the off-site activity, the facility director or designee must provide written notice of the proposed off-site activity to the:

- Court of jurisdiction.
- Youth's JJS, CMO case worker or probation officer.
- Crime victim, when the victim requests notice. MCL 780.798(4)(c). See [JRM 502, Victim Notification](#), for more information.

The written notice must contain:

- The youth's name.
- Identifying case numbers.
- Date(s) of the anticipated off-site activity.
- Location of the off-site activity.
- Reason for the off-site activity.
- Contact information (telephone number) for the notified parties to call with any questions.

Before the off-site activity, the youth's juvenile justice specialist or probation officer must confirm that the court and victim(s) (if applicable) have received the notice.

The written agreement must be signed by the youth and the youth's parent(s)/legal guardian(s) or community contact and sent to the youth's juvenile justice specialist. This written agreement may be signed before the off-site activity or be returned when the youth arrives back to the facility. The written agreement must be stored in the youth's case file.

## UNAUTHORIZED ABSENCE

Law enforcement must be notified within one (1) hour of an unauthorized absence. During the first hour, facility should actively attempt to locate the youth. This includes a youth on an unsupervised activity or approved off-site activity who fails to return to the facility at a set time. For more information, see [JRM, 501 Escape Response](#).

## INTERSTATE TRAVEL

With approval from the facility director and/or designee and collaboration with the youth's juvenile justice specialists, youth may be permitted to travel across state lines. See [ICM 170, Interstate Compact for Juveniles Travel Permits](#), for more information.



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## LEGAL BASE

### Federal

#### ***Family First Prevention Services Act, PL 115-123***

The purpose of this is to enable States to use Federal funds of the Social Security Act to provide enhanced support to children and families and prevent foster care placements through the provision of mental health and substance abuse prevention and treatment services, in-home parent skill-based programs, and kinship navigator services.

#### **Preventing Sex Trafficking and Strengthening Families Act, Public Law 113-183. Section 111 Supporting Normalcy for Children in Foster Care**

Section 111 of this act establishes standards for normalcy for a child who is in the custody of the state and includes a Reasonable and Prudent Parent Standard and normalizing activities for children.

### State

#### **William Van Regenmorter Crime Victim's Rights Act, MCL 780.798(4)(c).**

Requires victim notification when youth participates in off-site activities.

### Michigan Administrative

#### **Mich Admin Code, R 400.4101(dd).**

Provides Definition for secure institution.

#### **Mich Admin Code, R 400.4135(2).**

Work experiences for a youth are to be appropriate to the age, health and abilities of the youth.

#### **Mich Admin Code, R 400.4136(6).**

Requires facility staff to keep a travel plan on file at the facility, that includes an itinerary and pre-established check-in times, when a youth is off-site for one or more overnights.

#### **Mich Admin Code, R 400.4142(g).**

Requires the facility to have a method for dispensing medication when a youth is off site.

#### POLICY CONTACT

Policy clarification questions may be submitted by juvenile justice supervisors and management to: [Juvenile-Justice-Policy@michigan.gov](mailto:Juvenile-Justice-Policy@michigan.gov).